

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ANDREW LECHTER, et al.)	
)	
Plaintiffs,)	
)	CIVIL ACTION FILE NO.
v.)	
)	1:20-CV-01325-AT
APRIO, LLP f/k/a HABIF,)	
AROGETI & WYNNE, LLP, et al.,)	
)	
Defendants.)	
_____)	

**MOTION TO DISMISS BY
ATLANTIC COAST CONSERVANCY, INC.
AND DR. ROBERT D. KELLER**

Defendants Atlantic Coast Conservancy, Inc. (“ACC”) and Dr. Robert D. Keller (“Dr. Keller”), pursuant to Fed. R. Civ. P. 8, 9(b), and 12(b)(6), hereby move the Court to dismiss all the claims against ACC and Dr. Keller as time-barred by the applicable statutes of limitations. Besides being too late, Plaintiffs’ shotgun Complaint (Doc. No. 155), lacking in the required specificity and particularity, fails to state any plausible claim upon which relief may be granted against ACC or Dr. Keller, so it must be dismissed. Plaintiffs also lack standing to bring these claims. In support of this Motion, ACC and Dr. Keller submit and rely on their accompanying Memorandum of Law.

Dated: October 2, 2020

SMITH, GAMBRELL & RUSSELLLLP

/s/ Colin Đăng Delaney

Colin Đăng Delaney

Georgia Bar No. 216858

Gregory K. Smith

Georgia Bar No. 658363

Anthony J. Rollins

Georgia Bar No. 613746

SMITH, GAMBRELL & RUSSELL, LLP

Promenade, Suite 3100

1230 Peachtree Street, NE

Atlanta, Georgia 30309-3592

Telephone: 404-815-3500

Facsimile: 404-815-3509

Email: cdelaney@sgrlaw.com

Email: jbell@sgrlaw.com

Email: ajrollins@sgrlaw.com

Attorneys for Defendants

Atlantic Coast Conservancy, Inc. and Dr.

Robert D. Keller

LOCAL RULE 5.1 CERTIFICATION

I hereby certify that the forgoing Motion To Dismiss By Atlantic Coast Conservancy, Inc. and Dr. Robert D. Keller and supporting Memorandum have been prepared in Times New Roman 14 point font in accordance with Local Rule 5.1.

Respectfully submitted this 2nd day of October, 2020.

SMITH, GAMBRELL & RUSSELL
LLP

/s/ Colin Đặng Delaney

Colin Đặng Delaney

Georgia Bar No. 216858

Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309-3592
Telephone: 404-815-3500
Facsimile: 404-815-3509
Email: cdelaney@sgrlaw.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ANDREW LECHTER, et al.)	
)	
Plaintiffs,)	
)	CIVIL ACTION FILE NO.
v.)	
)	1:20-CV-01325-AT
APRIO, LLP f/k/a HABIF,)	
AROGETI & WYNNE, LLP, et al.,)	
)	
Defendants.)	
_____)	

CERTIFICATE OF SERVICE

The undersigned counsel certifies that on this date he caused a true copy of the foregoing **MOTION TO DISMISS BY ATLANTIC COAST CONSERVANCY, INC. AND DR. ROBERT D. KELLER** to be filed with the Clerk of the Court by using the Pacer NextGen CM/ECF system, which will automatically send a notice of electronic filing to all counsel of record in this case. No other counsel or parties are known to the undersigned to be entitled to receive service of papers filed in this case.

This 2nd day of October, 2020.

/s/ Colin Đăng Delaney

Colin Đăng Delaney

Georgia Bar No. 216858

Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309-3592
Telephone: 404-815-3500
Facsimile: 404-815-3509
Email: cdelaney@sgrlaw.com